

1 AN ORDINANCE approving CONTRACT #6180-90
2 SOUTH ANTHONY CURBS & RESURFACING
3 between BROOKS CONSTRUCTION CO., INC.
4 and the City of Fort Wayne, Indiana, in
5 connection with the Board of Public
6 Works and Safety.

7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
8 THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. That the CONTRACT #6180-90, SOUTH ANTHONY
10 CURBS & RESURFACING by and between BROOKS CONSTRUCTION CO.,
11 INC. and the City of Fort Wayne, Indiana, in connection with
12 the Board of Public Works and Safety, for:

13 the improvement of South Anthony from
14 Pontiac St. to Drexel Ave. by
15 constructing new curbs and street
16 resurfacing;

17 the Contract price is Fifty-Eight Thousand Six Hundred
18 Fifty-five and no/100 Dollars (\$58,655.00), all as more
19 particularly set forth in said Contract, which is on file in
20 the Office of the Board of Public Works and Safety and, is
21 by reference incorporated herein, made a part hereof, and is
22 hereby in all things ratified, confirmed and approved. Two
23 (2) copies of said Contract are on file with the Office of
24 the City Clerk and made available for public inspection,
25 according to law.

26 SECTION 2. That this Ordinance shall be in full force
27 and effect from and after its passage and any and all
28 necessary approval by the Mayor.

29 Clitus R Edmond
30 Councilmember

31 APPROVED AS TO FORM
32 AND LEGALITY

33 J. Timothy McCaulay
34 J. Timothy McCaulay, City Attorney

CONTRACT NO. 6180-90

SOUTH ANTHONY--PONTIAC TO DREXEL--CURBS & RESURFACING (COIT)

BOARD ORDER NO. 66-90

PHASE I
(1990 COIT)

WORK ORDER NO. 10,852

THIS CONTRACT made and entered into in triplicate this 10th day of October, 1990, by and between BROOKS CONSTRUCTION CO., INC., herein called CONTRACTOR, and the City of Fort Wayne, Indiana, an Indiana Municipal Corporation, acting by and through the Mayor and the Board of Public Works and Safety, herein called OWNER;

WITNESSETH, that the CONTRACTOR and the OWNER, for the considerations hereinafter named, agree as follows:

ARTICLE 1: SCOPE OF WORK

CONTRACTOR shall furnish all labor, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for the following: To improve South Anthony Blvd. from Pontiac St. to Drexel Ave. by constructing new curbs and street resurfacing.

all according to 6180-90, Drawing No. _____, Sheets _____, and do everything required by this contract and the other documents constituting a part hereof.

ARTICLE 2: THE CONTRACT SUM

The OWNER shall pay CONTRACTOR for the performance of the contract the unit price sum of \$ 58,655.00 (Phase I)*. In the event the amount of work is increased or decreased by OWNER, the contract sum shall be increased or decreased according to the unit price schedule set forth in the CONTRACTOR's Proposal.

ARTICLE 3: PROGRESS PAYMENTS

The OWNER shall make payments on account of the contract as provided herein, as follows:

Monthly progress payments will be made by OWNER upon submission of a statement of quantities of work completed and/or materials supplied to the job site as of the end of each month. On or about the 15th day of the following month, ninety (90%) percent of the value of the work performed up to the first day of that month (based on the contract price of labor and materials incorporated in the work) and as estimated by the CONTRACTOR and approved or revised by the Engineering Department

* Phase I - 1990 COIT

A)	Curb Removal	\$11,100.00
B)	Concrete Curb (Type II B)	27,565.00
C)	Concrete Sidewalk	9,240.00
D)	Concrete Pavement (Private Drives)	10,750.00
	TOTAL:	<u>\$58,655.00</u>

of the OWNER less the aggregate of previous payments, will be paid by OWNER to the CONTRACTOR.

ARTICLE 4: ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due at the time the work is fully completed and accepted and the contract is fully performed.

Upon filing of a Completion Affidavit by the CONTRACTOR that the work is ready for final inspection and acceptance, the Board of Public Works and Safety will direct the Engineering Department of the OWNER to promptly make such inspection. When the Engineering Department finds the work acceptable under the contract, and the contract is fully performed, it shall so inform the Board of Public Works and Safety which shall issue a final certificate stating that the work provided for in this Contract has been completed and is accepted. Thereupon the entire balance of the Contract sum shall be due and payable to the CONTRACTOR; provided only that CONTRACTOR shall first furnish OWNER, if requested to do so, satisfactory evidence that all persons who have supplied labor, material, or equipment for the work have been fully paid, and all required manpower utilization reports for this project have been submitted.

ARTICLE 5: WORKMEN'S COMPENSATION ACT

The CONTRACTOR will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with the Workmen's Compensation Act in accordance with Statutes of the State of Indiana and Ordinances of the City of Fort Wayne.

Any judgment rendered against the City of Fort Wayne in any suits for damages for injury to real or personal property, or for any injury sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen or any judgment of any court or award of any Board of Arbitrators or of the Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation for accidental injuries or death suffered by his employees or the employees of any Subcontractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said CONTRACTOR, shall be conclusive against CONTRACTOR as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that CONTRACTOR indemnify and hold harmless OWNER in the premises.

ARTICLE 6: NONDISCRIMINATION OF LABOR

The CONTRACTOR further agrees to be bound by Section 15-13 (as amended), of the Code of the City of Fort Wayne, Indiana of 1974, passed by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-34-78 (as amended) on December 12th, 1978. The successful bidder shall file a Manpower Utilization Report for this project with the Compliance Office within ten (10) days after comple-

tion of construction or upon request of the Office of Compliance.

ARTICLE 7: PREVAILING WAGE SCALE

The CONTRACTOR agrees to pay, and also require of his subcontractors that they pay wage rates on the work covered by this contract which shall not be less than the prescribed scale of wages as determined pursuant to the Statutes of the State of Indiana, and the Ordinances of the City of Fort Wayne according to the applicable wage scale as included in the bid documents.

ARTICLE 8: COMPONENT PARTS OF THIS CONTRACT

The following documents are as fully a part of the contract as if hereto attached or herein repeated:

- a. Advertisement for Bids, for Contract No. 6180-90
- b. Instructions to Bidders for Contract No. 6180-90
- c. Contractor's Proposal Dated 9/12/90
- d. Ft. Wayne Engr. Dept. Drawing #
- e. Supplemental Specifications for Contract No. 6180-90
- f. Workman's Compensation Act, Statutes of the State of Indiana and Ordinances of the City of Fort Wayne.
- g. Non-Discrimination of Labor, General Ordinance No. G-34-78 (as amended).
- h. Prevailing Wage Scale.
- i. Performance and Guaranty Bond.
- j. Labor and Material Payment Bond.
- k. Minority/Female Employment Hourly Utilization.
- l. Right-of-Way Cut Permit.
- m. Comprehensive Liability Insurance Coverage.
- n. MBE/EBE Commitment Form.
- o.
- p.

ARTICLE 9: GUARANTEE OF WORKMANSHIP

At the time of execution of this contract, the CONTRACTOR shall furnish a Performance and Guaranty Bond in favor of the City of Fort Wayne in the amount of the total value of the materials supplied and/or work performed under the terms of this contract. The said bond shall ensure the completion of the work covered hereunder and shall guarantee the materials and workmanship for a period of three (3) years following written acceptance of the work by the OWNER.

ARTICLE 10: INDEMNITY

CONTRACTOR shall furnish to OWNER, within ten (10) days of the date hereof, a certificate from an insurer acceptable to OWNER showing personal injury and property damage insurance, in force and issued in connection with the work to be performed under this Contract, in amounts satisfactory to OWNER and in accordance with the Statutes of the State of Indiana.

ARTICLE 11: ADJUSTMENTS OF DISPUTES

All questions or controversies which may arise between the CONTRACTOR and the OWNER under the provisions of this Contract shall be subject to the decision of the Director of Board of Public Works & Safety of the OWNER, and his decision shall be final and conclusive upon the parties.

Provided, however, no changes in the plans, specifications, or other phases of the work covered by this Contract will be permitted except on prior written authorization by the Board of Public Works and Safety.

ARTICLE 12: COMPLETION DATE

The CONTRACTOR agrees to complete the work specified in the contract within 6/30/91 consecutive calendar days after having been ordered by the OWNER to commence work under this contract.

ARTICLE 13: COUNCILMANIC APPROVAL

This Agreement, although executed on behalf of the OWNER by the Mayor and Board of Public Works and Safety of the City of Fort Wayne, Indiana, shall not be binding upon the OWNER unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within ninety (90) days after the date hereof, then this Contract shall be and become wholly void.

ARTICLE 14:

This contract is governed by Laws of the State of Indiana.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

(CONTRACTOR)

BY: Carl F. Brooks

_____, President

BY: Arson E. Gager

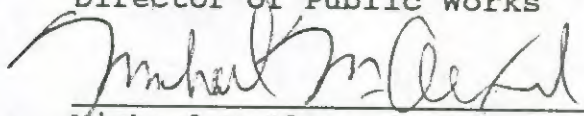
_____, Secretary

CITY OF FORT WAYNE, INDIANA

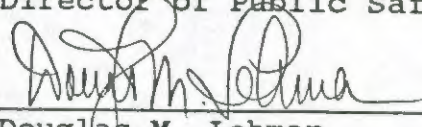
BY: _____
Paul Helmke, Mayor

BOARD OF PUBLIC WORKS & SAFETY

Charles E. Layton
Director of Public Works

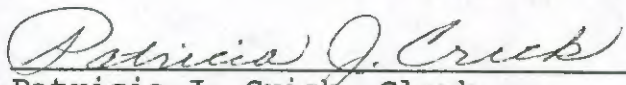


Michael McAlexander
Director of Public Safety



Douglas M. Lehman
Director of Administration & Finance

ATTEST:



Patricia J. Crick, Clerk

BID TAB

DATE: 9-14-90

BIDDER:

BIDDER:

BIDDER:

BIDDER:

PROJECT: S. ANTHONY-PONTIAC TO DREXEL-CURBS AND RESURF. RES. NO: 6180-90

BROOKS CONSTRUCTION

MERGY CONSTRUCTION

DEHNER CONSTRUCTION

S.E. JOHNSON

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT COST (\$)	AMOUNT (\$)	UNIT COST (\$)	AMOUNT (\$)	UNIT COST (\$)	AMOUNT (\$)	UNIT COST (\$)	AMOUNT (\$)	UNIT COST (\$)	AMOUNT (\$)
1.	Surface milling--bituminous	5790	SY	2.75	15922.50	2.00	11580.00	2.75	15922.50	2.02	11695.80	1.84	10653.60
2.	Curb removal	3700	LF	5.50	20350.00	3.00	11100.00	2.90	10730.00	5.70	21090.00	4.50	16650.00
3.	"Special" concrete curb Type II-B	3700	LF	9.50	35150.00	7.45	27565.00	8.50	31450.00	10.85	40145.00	9.00	33300.00
4.	Pavement removal	25	SY	7.00	175.00	5.00	125.00	5.00	125.00	5.00	125.00	5.00	125.00
5.	Concrete sidewalk	420	SY	22.50	9450.00	22.00	9240.00	19.00	7980.00	20.50	8610.00	23.00	9660.00
6.	Concrete pavement--private drive	430	SY	27.25	11717.50	25.00	10750.00	20.00	8600.00	22.50	9675.00	25.00	10750.00
7.	Concrete pavement--commercial drive	26	SY	32.00	832.00	26.00	676.00	23.00	598.00	26.00	676.00	27.50	715.00
8.	Concrete steps	2	CY	500.00	1000.00	300.00	600.00	350.00	700.00	500.00	1000.00	400.00	800.00
9.	H.A.C. A-2 surface	600	TN	32.50	19500.00	33.00	19800.00	29.70	17820.00	28.60	17160.00	29.50	17700.00
10.	H.A.C. #11 binder	650	TN	30.00	19500.00	26.00	16900.00	28.15	18297.50	26.40	17160.00	28.00	18200.00
11.	H.A.C. #9 binder	450	TN	27.50	12375.00	26.00	11700.00	28.00	12600.00	25.30	11385.00	27.95	12577.50
12.	H.A.C. #50 base	150	TN	50.00	7500.00	37.00	5550.00	20.00	3000.00	24.75	3712.50	42.30	6345.00
13.	12" R.C.P. Class IV	15	LF	26.50	397.50	35.00	525.00	28.00	420.00	50.00	750.00	30.00	450.00
14.	Abandon structure	1	EA	300.00	300.00	400.00	400.00	150.00	150.00	500.00	500.00	200.00	200.00
15.	IR/R inlet Type I-C	3	EA	850.00	2550.00	1500.00	4500.00	750.00	2250.00	700.00	2100.00	1350.00	4050.00
16.	Casting Type "F" furnished & adjusted to grade	2	EA	450.00	900.00	280.00	560.00	300.00	600.00	325.00	650.00	525.00	1050.00
17.	Casting adjusted to grade	6	EA	350.00	2100.00	180.00	1080.00	125.00	750.00	150.00	900.00	375.00	2250.00
18.	Water Valve adjusted to grade (street--in-line)	2	EA	185.00	370.00	75.00	150.00	75.00	150.00	50.00	100.00	200.00	400.00
19.	Water valve adjusted to grade (curb--stop box)	76	EA	25.00	1900.00	30.00	2280.00	35.00	2660.00	10.00	760.00	20.00	1520.00
20.	Common excavation	205	CY	13.50	2767.50	14.00	2870.00	7.00	1435.00	10.00	2050.00	5.00	1025.00
21.	Borrow for backfill behind curbs	250	TN	8.50	2125.00	2.00	500.00	10.00	2500.00	10.00	2500.00	10.50	2625.00
22.	#53 stone sub-base (for curbs--compacted in place)	350	TN	10.50	3675.00	15.00	5250.00	12.54	4389.00	8.00	2800.00	17.00	5950.00
23.	Top soil	1875	TN	12.00	22500.00	6.00	11250.00	14.70	27562.50	10.50	19687.50	15.40	28875.00
24.	Maintenance of traffic	1	LS	5000.00	5000.00	10000.00	10000.00	5700.00	5700.00	550.00	550.00	7655.00	7655.00
25.	Construction sign Type "A"	6	ST	100.00	600.00	70.00	420.00	140.00	840.00	100.00	600.00	76.00	456.00
26.	Fine grade, seed & mulch	7836	SY	1.50	11754.00	0.50	3918.00	0.75	5877.00	0.75	5877.00	0.70	5485.20
27.	Maintenance of stone drive alley approaches (thru winter)	1	LS	1200.00	1200.00	1000.00	1000.00	1210.00	1210.00	2500.00	2500.00	400.00	400.00

TOTAL: \$211,611.00 TOTAL: \$170,289.00 TOTAL: \$184,316.50 TOTAL: \$184,758.80 TOTAL: \$199,867.30

1% over
1% under0.00% over
19.53% under0.00% over
12.90% under0.00% over
12.69% under0.00% over
5.55% under

Read the first time in full and on motion by David J. Smith, seconded by David J. Smith, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock, _____ M., E.S.T.

DATED: 10-23-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by David J. Smith, seconded by David J. Smith, and duly adopted, placed on its passage. PASSED best by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>	<u>0</u>	<u>0</u>	<u>1</u>
BRADBURY				<u>✓</u>
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 11-13-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. J-269-90 on the 13th day of November, 1990,

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

ATTEST
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1990, at the hour of 11:30 o'clock A M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of November, 1990, at the hour of 11:30 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

Admn. Appr.

TITLE OF ORDINANCE: Contract for Res. #6180-90, South Anthony
Curbs & Resurfacing (COIT)

DEPARTMENT REQUESTING ORDINANCE: Board of Public Works & Safety

SYNOPSIS OF ORDINANCE: The contract for Res. #6180-90, South Anthony
curbs & resurfacing (COIT) is to improve South Anthony from Pontiac
St. to Drexel Ave. by constructing new curbs and street resurfacing.
Brooks Construction Co., Inc., is the contractor.

EFFECT OF PASSAGE: New curbs & street resurfacing at above location.

EFFECT OF NON PASSAGE:

J-90-10-30

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$58,655.00 (Phase
I)

ASSIGNED TO COMMITTEE:

BILL NO. S-90-10-30

REPORT OF THE COMMITTEE ON PUBLIC WORKS

MARK E. GIAQUINTA, CHAIRMAN
CLETUS R. EDMONDS, VICE CHAIRMAN
HENRY, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving CONTRACT
#6180-90 SOUTH ANTHONY CURBS & RESURFACING between BROOKS
CONSTRUCTION CO., INC. and the City of Fort Wayne, Indiana,
in connection with the Board of Public Works and Safety

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures]
C R Edmonds
Samuel Talarico

DATED: 11-13-90

Sandra E. Kennedy
City Clerk